United Nations A/HRC/37/NGO/70

General Assembly

Distr.: General
9 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-02035(E)
1802035

Please recycle

Protection of Human Rights Defenders and Journalists' Rights

I. Introduction

Human Rights Advocates calls attention to areas of concern regarding the protection of journalists. Journalists face major risks as a result of their work because governments and other powerful actors, seeking to escape scrutiny and suppress opposition, often respond to critical reporting or activism with attempts to silence these heroes. Human rights defenders as a whole have been victims of these risks of oppression around the world. At the 34th session, the Human Rights Council (HRC) adopted resolution A/HRC/RES/34/5 addressing the situation of human rights defenders. Threats, surveillance, arbitrary arrest and detention, and, in the gravest cases, enforced disappearance or killings, are too often the cost of reporting the truth.

Although oppression exists around the globe is against all human rights defenders, this statement focuses on disconcerting trends in several countries where journalists as human rights defenders are targeted. It also offers recommendations to provide a more just and equitable environment for the protection of journalists.

II. Attacks on Journalists

Journalists and other human rights defenders play a critical role in protecting human rights in the world by ensuring the public's right to know so that governments and institutions can be held accountable. Article 19 of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

At its 70th session, the General Assembly (GA) passed resolution A/RES/70/162 regarding the safety of journalists and the issue of impunity. It recognized how journalism is contributing to the shaping of public debate, in building inclusive and peaceful societies and democracies, and in fostering peace and good governance. The GA also noted its deep concern about all human rights violations and abuses committed in relation to the safety of journalists including killing, torture, arbitrary arrest and detention, enforced disappearance, and other forms of violence.

The United Nations (UN) special rapporteur on the situation of human rights defenders, Michael Forst, concluded in his January 23, 2017 report that human rights defenders continue to be vilified, threatened, and attacked throughout the world.1 In his introduction, he listed journalists, along with bloggers and whistle-blowers, as one group of human rights defenders where he noted that attacks against them are multiplying everywhere. As reported by Article 19, a British human rights organization, there has been an alarming rise in attacks on journalists who seek to expose corruption and abuse.2 Article 19 has also reported that in 2016 alone, 259 journalists were imprisoned worldwide, and 79 were killed. This statement will now address specific countries as examples.

Eritrea:

Committee to Protect Journalists (CPJ), a nonprofit organization that promotes press freedom worldwide, reported Eritrea as the first most censored country in the world in restricting the press, where the only media allowed to disseminate news in the country is the state media.3 Even those working for the heavily censored state press live in constant fear of arrest for any report perceived as critical to the ruling party, or on suspicion that they leaked information outside the country. It is also reported that Eritrea has the most jailed journalists in Africa and none of those arrested are taken to court. Five independent journalists who were arrested in 2001 may have died in prison, but this couldn't be confirmed because of the limited access to information that exists in Eritrea.

United States of America:

---

1 Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/34/52 (Jan. 23, 2017) ¶ 80.

2 Pam Cowburn, New Article 19 Metric Measures Global Threats to Freedom of Expression and Information, November 29, 2017, https://www.article19.org/resources/new-article-19-metric-measures-global-threats-freedom-expression-information/.

3 Ten Most Censored Countries by CPJ, https://cpj.org/2015/04/10-most-censored-countries.php.

Even in the United States, a country listed as one of the "free press" countries on the World Audit website,4 and where free speech is one of the most cherished liberties, there are reports of journalists' detention in the last few years. In February 2017, US Press Freedom Tracker reported the arrest of an independent photojournalist, Tracie Williams, who was covering events at the Dakota Access Pipeline camp.5 Even though police had returned her telephone, camera, and other accessories that they seized during her arrest, Williams is charged with physical obstruction of government function that could result in a year in jail. She is scheduled to go to trial in June 2018.

Though the degree of threat that is posed to journalists all over the world varies, the mechanisms that states use to attack these journalists exhibit similar trends. Most countries use laws like anti-terrorism legislation that are repressive but deceivingly painted as ensuring public safety to detain and imprison journalists.

III. Anti-Terrorism Laws

The Human Rights Council in its 22/6 resolution stated its grave concern about national security and counter-terrorism legislation that have been misused by states to target human rights defenders and to hinder their work in a manner contrary to international law.6 As per CPJ's annual prison census, more than half of the journalists imprisoned globally are charged with anti-state crimes, including in China, where there is the largest figure of imprisoned journalists in the world.7 Other countries that use similar charges to crush critical voices include Saudi Arabia, which is listed as the third most censored country by CPJ.

According to CPJ's report, Ethiopia is also listed as the fourth most censored country for restricting the press. Similarly, Human Rights Watch (HRW) has reported Ethiopia as being on the watch for its systematic repression of independent media, especially during election years.8 In its January 2015 report, HRW stated that at least 22 journalists were criminally charged in Ethiopia, and more than 30 fled the country in fear of being arrested under repressive laws.

According to the World Audit website, of several journalists that have been arrested alongside civil society activists and politicians for years, a number of them are charged with treason, genocide, and attempts to subvert the constitution, all charges that carry prison terms and the possibility of the death penalty.9 However, according to a report by CPJ, the governments usually don't produce sufficient evidence to convincingly establish that the work of these journalists was intended to incite violence or encourage ethnic tension or genocide.

For example, the Tom Lantos Human Rights Commission reported about a prominent Ethiopian journalist by the name of Enkinder Nega, who was sentenced to 18 years in prison in July 2012 under the country's overly-broad 2009 Anti-Terrorism Proclamation soon after he published an online column.10 The column was critical of the use of terrorism laws by the government to silence dissent and was calling the Ethiopian government to respect freedom of expression and end torture in the country's prisons. It is also reported that the UN Working Group on Arbitrary Detention has found his detention illegal under international law and called for his immediate release.

The case of Nega is an example of the typical technique that governments use to systematically attack journalists by referencing so-called anti-terrorism laws. Use of these laws for this purpose need to stop, and states should be obligated to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law.

---

4 Democracy Audit on Press Freedom by World Audit.org, http://www.worldaudit.org/presstable.html

5 Journalist Tracie Williams arrested at Standing Rock, February 23, 2017, https://pressfreedomtracker.us/arrest-criminal-charge/?categories=4&tags=3

6 A/HRC/RES/22/6

7 *Supra* note 3.

8 Ethiopia: Media Being Decimated, January 21, 2015, https://www.hrw.org/news/2015/01/21/ethiopia-media-being-decimated

9 *Supra* note 4.

10 About the Defending Freedoms Project by the Tom Lantos Human Rights Commission, https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/Ethiopia/Eskinder%20Nega.

IV. Conclusion

Journalists must be afforded greater protection and states should pay attention to the safety of journalists taking into consideration their specific role, exposure, and vulnerability as human rights defenders. The UN should also invite its relevant agencies, groups, and mandate holders to work together in order to ensure the safety of journalists throughout the world. For example, the special rapporteur Michael Forst suggested collaboration with two other mandates, the special rapporteur on the promotion and protection of the right to freedom of opinion and expression and the special rapporteur on the rights to freedom of peaceful assembly and association. The UN should enable this effort.

V. Recommendations

Human Rights Advocates recommends to the Human Rights Council to:

1. Request the special rapporteur on the situation of human rights defenders to include journalists in the group of human rights defenders who are at most risk;
2. Effectuate the collaboration between relevant mandate holders suggested by the special rapporteur on the situation of human rights defenders so that they can ensure the protection of journalists;
3. Urge state parties:
    a. To create a safe and enabling environment for the work of journalists by amending relevant legislation and its implementation that hinder or limit the ability of journalists to exercise their work as human rights defenders; and
    b. To immediately release journalists who have been imprisoned without judicial procedures or who have become victims of enforced disappearances.